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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,224	09/03/2003	Junji Sakurada	117014	2739

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OLIFF & BERRIDGE, PLC  
P.O. BOX 19928  
ALEXANDRIA, VA 22320

EXAMINER
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CHERRY, STEPHEN J

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EK

**Office Action Summary**

Application No.

10/653,224

Applicant(s)

SAKURADA, JUNJI

Examiner

Stephen J. Cherry

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 7-9, 12, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5, 6, 10, 11 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 7, 12, and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,600,808 to Takada et al.

Claim 1 recites, as disclosed by Takada:

1. A method for supporting a measurement of an object to be measured, the method comprises: entering shape definition data for an object to be measured ('808, fig. 5, S1); generating a contour shape based on the shape definition data ('808, col. 4, line 31); displaying the contour shape ('808, col. 4, line 64); entering a measurement part program ('808, col. 4, line 46); and analyzing the measurement part program to obtain a portion to be measured ('808, col. 4, line 59), wherein at the display step, the

portion to be measured is displayed while superimposed on the contour shape ('808, fig. 10, "L1").

Claim 4 recites, as disclosed by Takada:

4. A measurement support method according to claim 1, further comprising: correcting the measurement part program based on results obtained by correcting the portion to be measured which is displayed ('808, col. 4, line 51).

Claim 7 recites, as disclosed by Takada:

7. A measurement support method according to claim 1, further comprising: converting design data into shape definition data for the object to be measured ('808, col. 4, line 30).

Claim 12 recites, as disclosed by Takada:

12. A measurement support method according to claim 1, wherein the shape definition data for the object to be measured includes at least one unit element of a zero-dimensional element, which is a point, a one-dimensional element, which is a line segment, or a two-dimensional element, which includes an arc ('808, col. 9, line 29 and fig. 15).

Claim 14 recites, as disclosed by Takada:

14. An apparatus for supporting a measurement of an object to be measured, the apparatus comprising: a shape definition data input section for entering shape definition data for an object to be measured ('808, 51); a contour shape generator for generating a contour shape based on the

shape definition data ('808, 54); a measurement part program input section for entering a measurement part program ('808, fig. 3, 56-59); an analyzer for analyzing the measurement part program and outputting analysis results ; a synthesizer for synthesizing the analysis results with the contour shape; and a display unit for displaying a synthesized image obtained based on the synthesis results ('808, fig. 4, analyzed and synthesized part program displayed).

Claim 15 recites, as disclosed by Takada:

15. A measurement support apparatus according to claim 14, further comprising: a corrector for correcting the synthesized image that is displayed; and a corrected measurement part program output section for correcting the measurement part program based on the corrected synthesized image and outputting the corrected measurement part program ('808, col. 4, line 51).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent 6,600,808 to Takada et al in view of U.S. Patent 5,297,254 to Arai et al.

The claims recite, as disclosed by Takada:

entering shape definition data for an object to be measured ('808, fig. 5, S1); generating a contour shape based on the shape definition data ('808, col. 4, line 31); displaying the contour shape ('808, col. 4, line 64); entering a measurement part program ('808, col. 4, line 46); and analyzing the measurement part program to obtain a portion to be measured ('808, col. 4, line 59), wherein at the display step, the portion to be measured is displayed while superimposed on the contour shape ('808, fig. 10, "L1").

Takada discloses a coordinate system, but does not explicitly disclose displaying it ('254, fig. 2).

The claims further recite superimposing axis, origin and scale, as disclosed by Arai.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the axis, origin, and scale disclosed by Arai et al. in the invention of Takada to allow more efficient correlation of the movement of an input device with the displayed image ('254, col. 1, line 13).

### ***Allowable Subject Matter***

Claims 2-3, 5-6, 10, 11, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 2, 3, 5, 6 and 11 recite "analyzing the measurement part program to obtain a travel path, wherein at the display step, the travel path is displayed while superimposed on the contour shape". This feature in combination with the remaining claimed structure avoids the prior art of record.

Claim 10 recites "displaying the measurement part program with the contour shape; and selecting a measurement instruction included in the measurement part program that is displayed, wherein at the step of calculating the portion to be measured, a portion corresponding to the selected measurement instruction is highlighted and output". This feature in combination with the remaining claimed structure avoids the prior art of record.

Claim 13 recites "wherein the shape definition data of the object to be measured further includes an expansion element for the rotation of the unit element or for the parallel movement of the unit element". This feature in combination with the remaining claimed structure avoids the prior art of record.

### ***Response to Arguments***

Applicant's arguments filed 3-14-2005 have been fully considered but they are not persuasive.

Applicant states that Takada does not enter a measurement part program; however, this feature is disclosed Takada, column 4, line 54, where the program is entered into the HDD.

Applicant states that Takada does not calculate a portion to be measured by analyzing the measurement part program. Although this feature is not explicitly in the claim, it is disclosed at Takada column 4, line 59, where an edge detection tool analyzes the edge to be measured.

Applicant states that Takada does not display a portion to be measured on the contour shape; however, this is disclosed in Takada figures 10, and 12-14.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.




Art Unit: 2863

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Cherry whose telephone number is (571) 272-2272. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJC

  
John Barlow  
Supervisory Patent Examiner  
Technology Center 2800